Dean G. Sutton, Esq. 18 Green Road Post Office Box 187 Sparta, New Jersey 07871 (973) 729-8121 DS-1910 Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY

In re:

CASE NO. 09-24124/DHS

HEARING DATE: 02/24/10

1 0 11:00 a.m.

Carmella A. Floridia

CHAPTER: 13

CERTIFICATION IN SUPPORT OF

MOTION FOR SANCTIONS PURSUANT

TO FRBP 9011

ORAL ARGUMENT WAIVED

Debtor:

Dean G. Sutton, Esq. does hereby certify:

- 1. The debtor filed her Chapter 13 case on June 1, 2009.
- 2. HSBC Bank, servicer for Beneficial New Jersey, Inc., d/b/a Beneficial Mortgage Co., holder of a first mortgage on the debtors' residence, filed a secured proof of claim stating that the "Total Arrearage" due is \$41,262.94.
- 3. Included in that amount is \$18,362.44 which is labeled "Daily Simple Interest Due".
- 4. There is also an additional amount claimed of \$11,648.48 for "8 payments October, 2008 through May, 2009 @ \$1,456.06 each" plus an amount of \$760.00 for "1 partial payment for September, 2008".
- 5. The debtor filed a Motion to reduce that claim because it appeared that the Daily Simple Interest Due was not justified.
- 6. In response, the respondent filed a Certification In Opposition to the Debtor's Objection. That Certification explains the calculation and attempts to justify the amount of \$18,362.44.
- 7. Essentially, the Certification stated that the arrearage was \$30,770.92, and was calculated by adding a "Deferred Interest Balance" of \$21,002.60 plus interest from the date of default (10/3/08) to the petition date, in the amount of \$9,768.32 for a total of \$30,770.92.
- 8. This, despite the fact that the actual amount of payments missed total only \$12,408.48.

Case 09-24124-DHS Doc 49-1 Filed 01/26/10 Entered 01/26/10 10:33:12 Desc Certification Page 2 of 2

9. The claims, defenses and other legal contentions set forth in the Proof of Claim and the Certification in Opposition to Debtor's Objection to Secured Creditor's Proof of Claim are not warranted by existing law and/or are frivolous arguments for the extension, modification or reversal of existing law or the establishment of new law in contravention of FRBP 9011(b)(3).

Wherefore, the debtor respectfully requests that the Court impose appropriate sanctions against the parties responsible for this violation.

I hereby certify that the foregoing statements made by me are true; I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated:

/s/Dean G. Sutton _____ Dean G. Sutton, Debtor